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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,790	01/22/2001	Brian C. Ford	935	8355

7590 08/12/2003
Breed Technologies, Inc.
7000 Nineteen Mile Road
Sterling Heights, MI 48314

EXAMINER

KIM, EUGENE LEE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/12/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Application N .

09/766,790

Applicant(s)

FORD, BRIAN C.

Examiner

Eugene L Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-8, 10-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maul et al. Maul et al show a cover 24 with a cushion 2 that is compressed by piston means 20 within housing means 18. Maul et al also show mock inflator means 42 pressing/compacting the cushion into cover 24 and removing the inflator means as claimed. Maul et al show the use of attaching inflator/horn assembly 36 as shown in figure 5g. Maul et al show the use of one piston in figures 2A-2C that reciprocates to fold and place the airbag into cover means 24. The spacing element as claimed is read on element 30 of Maul et al wherein the cushion is attached and receivable into cavity sleeve means 18. Maul et al also disclose that the gas generator/horn 36 is fastened on the covering 24 and introduced into a cavity 34 by a carrier 38 (col 11 lines 20+). Regarding claim 2, the compacting of the cushion means is going to be compacted to a predetermined thickness as controlled by the actuation of piston means 20 in Maul et al. The horn 36 of Maul et al will inherently be activated at a predetermined time or force. Regarding claim 14, the mock inflator is introduced and pressed into the cover as shown in figure 2F wherein the piston means 10 presses the

inflator means. Maul et al show fixed spacer elements 22 as shown in figs 1B and 1C which reads on the amended claims. Regarding the periphery of the piston having an exterior periphery corresponding to the interior periphery of the tubular housing, Maul et al show element 22 in figs 1B-1C that corresponds with the interior periphery of housing 18. Although, this element is not integral with the piston, it is attached to the piston 20. The examiner notes that it has been held that a one-piece integral construction as opposed to separate workpieces is a matter of design choice. See *in re Fridolph*, 50 CCPA 745, 89 F.2d 509, 135 USPQ 319.

3. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maul et al in view of Shirk et al. Maul et al do not show the retaining ring means as claimed. Shirk et al show the concept of using retaining means 120 to attach an inflator to a cover. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Maul et al with retaining means as taught by Shirk et al to have the inflator secured to the cover for more stability.

4. Applicant's arguments filed 7/14/2003 have been fully considered but they are not persuasive. In response to applicants argument regarding the newly amended limitation, see *supra* in paragraph 2.

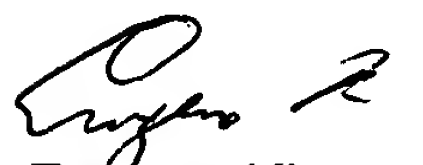
In response to applicants argument regarding Maul et al showing the housing 4 in figures 1A-1C, the examiner is interpreting the cover in figs 2A-2C wherein the piston is pressing the airbag cushion into cover 24 as claimed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene L Kim whose telephone number is 703 308-1886. The examiner can normally be reached on Tuesday-Friday 8 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9302 for regular communications and 703 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1148.


Eugene Kim
August 5, 2003